

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

EUNICE HUSBAND,

Plaintiff,

v.

D. KNAPP, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:

3:14-CV-00177
(JUDGE MARIANI)

FILED
SCRANTON

JUN 24 2014

PER 
DEPUTY CLERK

ORDER

AND NOW, THIS 24TH DAY OF JUNE, 2014, upon *de novo* review of Magistrate Judge Carlson's Report and Recommendation (Doc. 12) and Plaintiff's Objections thereto (Doc. 13), **IT IS HEREBY ORDERED THAT:**

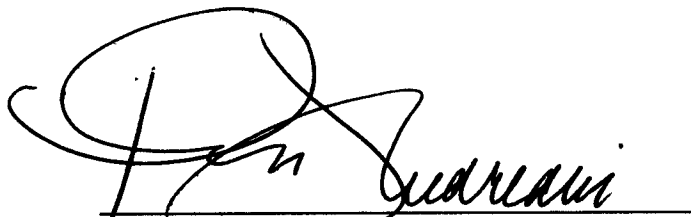
1. Plaintiff's Objections (Doc. 13) are **OVERRULED**.
2. The Report and Recommendation ("R&R") (Doc. 12) is **ADOPTED IN PART**

AND REJECTED IN PART as follows:

- a. Plaintiff's Amended Complaint is **DISMISSED WITH PREJUDICE** as against Defendants Miosi, Taggart, Wilson, Norwood, and Tafelski, for the reasons stated in the R&R.
- b. Plaintiff's Amended Complaint is also **DISMISSED WITH PREJUDICE** as against Defendant Entzel, because the only mentions of him in the Amended Complaint are the conclusory allegations that he "[is] liable" and that he "had actual knowledge" of the activities complained of.

(See Amended Complaint, Doc. 10, at 7.) As discussed in the R&R, the Court must dismiss a defendant from a complaint when his liability is based only on these kinds of conclusory allegations not supported by specific facts.

- c. Plaintiff's request for a specific sum of damages is **STRICKEN** from the Amended Complaint without prejudice to be reasserted at an appropriate time.
3. The Clerk of Court is **DIRECTED** to cause the Amended Complaint (Doc. 11) to be served on Defendants Young, Benfer, Brown, Magyar, Pigos, Frederick, Knapp, Stover, Sherman, Carper, Diltz, and Adonis.
4. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.
5. The Court interprets Plaintiff's Motion of June 16 entitled "Motion Seeking Relief of Misconduct by Defendants" as a Motion for a Preliminary Injunction or Temporary Restraining Order under Federal Rule of Civil Procedure 65, and Magistrate Judge Carlson is **DIRECTED** to resolve it as such.



Robert D. Mariani
United States District Judge